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Attorneys for Defendants
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
ALBORG, VEILUVA & EPSTEIN, LLP and GENPACT MORTGAGE SERVICES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH BARKER and LOIS ANNE
BARKER,

Plaintiffs,

vs.

DEFAULT RESOLUTION NETWORK;
FIDELITY NATIONAL TITLE; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; ALBORG, VEILUVA & EPSTEIN;
TITLE COURT SERVICES, INC.; GENPACT
MORTGAGE SERVICES; and DOES 1
through 50, inclusive,

Defendants.

Case No. 4:08-cv-02898-CW

**MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
ALBORG, VEILUVA & EPSTEIN, LLP,
AND GENPACT MORTGAGE
SERVICES' AMENDED NOTICE OF
MOTION TO DISMISS KENNETH
BARKER AND LOIS ANNE BARKER'S
COMPLAINT
[Fed. R. Civ. P. 12(b)(6)]**

Date: **August 7, 2008**
Time: 2:00 p.m.
Dept.: 2

Judge: The Hon. Judge Claudia Wilken

Complaint Filed: June 10, 2008

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **August 7, 2008** at 2:00 p.m. or as soon thereafter as the matter may be heard in Courtroom 2 of the above-captioned Court, located at 1301 Clay Street, Oakland, California 94612-5212, before the Honorable Judge Claudia Wilken, defendants ALBORG, VEILUVA & EPSTEIN, LLP ("AVE"), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), and GENPACT MORTGAGE SERVICES ("Genpact") (collectively the "Alborg Defendants") will move, and hereby do move, this Court for an order dismissing plaintiffs KENNETH BARKER and LOIS ANNE BARKER's

1 (collectively the "Plaintiffs") complaint against the Alborg Defendants on the grounds that the
2 complaint fails to allege facts sufficient to state any cognizable claim upon which relief can be
3 granted (Fed. R. Civ. P. 12(b)(6)).

4 Dated: July 2, 2008

ALBORG, VEILUVA & EPSTEIN

5 */s/ Michael J. Veiluva*

6 By: _____

7 MICHAEL J. VEILUVA
8 DARRELL C. MARTIN
9 Attorneys for Defendants
10 MORTGAGE ELECTRONIC REGISTRATION
11 SYSTEMS, INC. ALBORG, VEILUVA &
12 EPSTEIN, LLP and GENPACT MORTGAGE
13 SERVICES
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PROOF OF SERVICE

I declare that I am employed in the County of Contra Costa, State of California. I am over the age of eighteen (18) years and not a party to the within entitled case, and my business address is Alborg, Veiluva & Epstein LLP, 200 Pringle Avenue, Suite 410, Walnut Creek, California 94596. On the date set forth below I served the foregoing document described as **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ALBORG, VEILUVA & EPSTEIN, LLP, AND GENPACT MORTGAGE SERVICES' AMENDED NOTICE OF MOTION TO DISMISS KENNETH BARKER AND LOIS ANNE BARKER'S COMPLAINT [Fed. R. Civ. P. 12(b)(6)]** on interested parties in this action in the manner(s) indicated below:

☒ (**OFFICE MAIL**) placing true and correct copies thereof enclosed in a sealed envelope(s), with first class postage fully prepaid, for collection and mailing at 200 Pringle Avenue, Suite 410, Walnut Creek, California 94596 addressed as set forth below. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so placed would be deposited with the United States Postal Service that same day in the ordinary course of business.

☐ (**FACSIMILE**) transmission to a facsimile machine maintained by the person(s) on whom it is served at the facsimile machine telephone number as last given by that person(s) on any document filed in the case and served on the party making service.

☐ (**OVERNIGHT DELIVERY**) placing true and correct copies thereof enclosed in a sealed envelope(s), for overnight delivery, in a box or other facility regularly maintained by an express service carrier, or delivered to an authorized courier or driver authorized by that express service carrier with delivery fees paid or provided for, addressed to the person(s) on whom it is to be served, at the office address as last given by that person(s) on any document filed in the case and served on the party making service or at that party's place of residence.

Plaintiffs in Pro Per

Kenneth Barker
Lois Anne Barker
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Alamo, CA 94507
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I declare that the foregoing is true and correct and that this declaration was executed in Walnut Creek, California on **July 2, 2008**.

/s/ Jan Baerwald

Jan Baerwald